

**REMARKS**

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Upon entry of this amendment, claims 33, 34, and 36-66 are pending in the application. By this amendment, claims 33, 34, and 36-64 have been amended, claim 35 has been canceled, and new claims 65-66 have been added.

Claims 37, 38, 40, 41, 43, 44, 50, 51 and 59-63 are rejected under 35 U.S.C. § 112, second paragraph. The claims have been amended for clarity purposes only in order to overcome this rejection. Accordingly, withdrawal of the § 112, second paragraph, rejection is respectfully requested.

Claims 33-40, 42, 43, 45-58 and 61 are rejected under 35 U.S.C. § 102(b) by Kenyon (U.S. Patent No. 6,216,691). This rejection is respectfully traversed.

Claim 33 relates to a device for supplying a respiratory gas, in particular a CPAP device, including a delivery device to deliver the respiratory gas at a pressure level that is above ambient pressure, a housing device to receive the delivery device, and an air-conduction structure to conduct the respiratory gas from the delivery device to an outlet region. The air-conduction structure includes a molded foam part made from a foamed material. The molded foam part is subdivided into a first portion of the molded part and a second portion of the molded part, and the first and second portions cooperating to define a conduit wall of an air-carrying conduit in which a portion of the conduit wall is formed by the first portion and a remaining portion of the conduit wall is formed by the second portion.

As shown in Fig. 10 and described in col. 6, lines 4-16 of Kenyon, Kenyon discloses a mounting body 90 including a main block 93 and an insert 94. As illustrated, the chamber 91 between inlet 95 and outlet 96 is provided to the insert 94. Alternatively, the chamber 91 may be provided to the block 93 or extend along both the block 93 and insert 94. However, Kenyon does not disclose that the block 93 and insert 94 cooperate to define the conduit wall of the air-carrying conduit. That is, Kenyon does not disclose a molded foam part that is subdivided into a first portion of the molded part and a second portion of the molded part, and the first and second portions cooperate to define a conduit wall of an air-carrying conduit in which a portion of the conduit wall is formed by the first portion and a remaining portion of the conduit wall is formed by the second portion. Rather, the conduit wall is formed entirely by the insert 94 or entirely by the block 93 (e.g., see Fig. 10).

Withdrawal of the rejection of claim 33 is respectfully requested.

Claims 34, 36-40, 42, 43, and 45-51 are allowable by virtue of their dependence on claim 33 and additionally allowable for their recitation of additional patentable subject matter.

Claim 52 should be allowable for at least the reasons noted above with respect to claim 33. For example, Kenyon does not disclose a foam body subdivided into a first portion and a second portion, and the first and second portions cooperate to define a conduit wall of the gas conduction portion in which a portion of the conduit wall is formed by the first portion and a remaining portion of the conduit wall is formed by the second portion as recited in claim 52.

Withdrawal of the rejection of claim 52 is respectfully requested.

Claims 53-58 and 61 are allowable by virtue of their dependence on claim 52 and additionally allowable for their recitation of additional patentable subject matter.

Claims 41 and 64 are rejected under 35 U.S.C. § 103(a) over Kenyon (U.S. Pat. 6,216,691). Claim 41 is allowable by virtue of its dependence on claim 33 and additionally allowable for its recitation of additional patentable subject matter, and claim 64 is allowable by virtue of its dependence on claim 52 and additionally allowable for its recitation of additional patentable subject matter.

Claims 44, 59, 60, 62 and 63 are rejected under 35 U.S.C. § 103(a) over Kenyon (U.S. Pat. 6,216,691) in view of McCombs (U.S. Pat. 7,156,903). The Office Action relies on McCombs to teach the molded part having different material properties and other function components of the CPAP device. This does not make up for the deficiencies noted above with respect to Kenyon. Accordingly, claim 44 is allowable by virtue of its dependence on claim 33 and additionally allowable for its recitation of additional patentable subject matter, and claims 59, 60, 62, and 63 are allowable by virtue of their dependence on claim 52 and additionally allowable for their recitation of additional patentable subject matter.

New claims 65-66 have been added. Entry and allowance of these new claims are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all claims are patentable and that the entire application is in condition for allowance.

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Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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